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FACSIMILE COVER LETTER

To: Group Art Unit 1635
Firm: U.S. Patent and Trademark Office
Facsimile: (571) 273-8300
From: Thomas J. Kowalski (Reg. No. 32,147)
 Deborah L. Lu (Reg. No. 50,940)
Date: February 1, 2006
Re: Application No. 10/782,899
 FLH Reference No. 671308-2001.1
Number of Pages: 20
 (including cover page)

If you do not receive all pages or are unable to read the transmission, please call and ask for Deborah Lu (Ext. 2088).

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir/Madam:

Enclosed is an RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT, SUPPLEMENTAL RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111 AND REQUEST FOR INTERVIEW and DECLARATION UNDER 37 C.F.R. §1.132 for filing in connection with U.S. Application No. 10/782,899.

Sincerely,

Deborah L. Lu
 Deborah L. Lu (Reg. No. 50,940)

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PATENT
671308-2001.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 01 2006

Applicant(s) : FUJIMORI, ET AL

Serial No. : 10/782,899

For : ANAEROBIC BACTERIUM AS A DRUG FOR CANCER
GENE THERAPY

Filed : FEBRUARY 23, 2004

Examiner : WHITEMAN, BRIAN A.

Art Unit : 1635

745 Fifth Avenue
New York, NY 10151

FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Deborah L. Lu, Reg. No. 50,940

Type or print name of person signing certification

Deborah L. Lu

Signature

February 1, 2006

Date of Signature

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT,
SUPPLEMENTAL RESPONSE TO
OFFICE ACTION UNDER 37 C.F.R. § 1.111 AND REQUEST FOR INTERVIEW**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice of Non-Compliant Amendment mailed January 12, 2006 and supplemental to the December 21, 2005 response to the August 19, 2005 Office Action filed December 19, 2005 enclosing a true copy of the Declaration Under 35 C.F.R. § 1.132.

PATENT
671308-2001.1

It is believed that no fee is required for submission of this paper. However, the Commissioner is hereby authorized to charge any necessary fee for this paper, or to credit any overpayment in fees, to Deposit Account 50-0320.

PATENT
671308-2001.1**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

In the Notice of Non-Compliant Amendment mailed January 12, 2006, it is alleged that the document filed on December 21, 2005 was considered non-compliant because claims 4, 14, 16, 21 and 25 were presented as being amended without markings to indicate changes to the claims.

In response, Applicants have presented claims 4, 14, 16, 21 and 25 with markings to indicate changes to the claims. Accordingly, Applicants respectfully submits that the amendment is in compliance with 37 C.F.R. § 1.121 and requests the consideration of the Supplemental Response to Office Action under 37 C.F.R. § 1.111 and Request for Interview and Declaration under 35 C.F.R. § 1.132 filed December 21, 2005.